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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,303	09/25/2000	Randy D. Sines	CA67-004	2747

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EXAMINER

HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/669,303

Applicant(s)

SINES ET AL.

Examiner

Calvin L Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Status of Claims

1. Claims 1-12 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the term "approximately". The term is indefinite as it does not provide one of ordinary skill a standard for measuring the degree intended.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7 and 10-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bezos, U.S. Patent No. 5,727,163.

As per claims 1 and 6 , Bezos teaches a secure method of placing an order by internet or phone (figure 1; column 5, lines 10-34; column 6, lines 1-25) using a debit card (column 2, lines 49-55). In order to use a debit card, a user inherently has an account with a bank. Similarly, in order to have an account a user/debit card holder provides a bank with verification parameters such as address information, phone number and user identification. Further, the bank detects each time a debit card is used to pay a merchant using the card and communicates computerized user identification information when the order is placed. Regarding "detecting", this performed as funds (e.g. order information) needed to obtain goods and services to be ordered, are drawn from a user bank account. Bezos also teaches a user communicating with a merchant site (abstract). Inherently, Bezos teaches communicating between a bank and a user to create an order file (record of the transaction) and communicating between the bank and the merchant to create a second order file based on the customer/user order file (e.g. authorization to use the card and verification of the desired amount to be drawn from a customer/user account).

As per claim 2, Bezos teaches using a debit card with computerized information, where the computerized information is a user id, computer id (e-mail)

delivery address, and telephone caller identification (figure 2; column 6, lines 46-65; column 7, lines 9-16).

As per claims 3-5, Bezos teaches contacting a merchant internet site and building an order file (figure 2; column 6, lines 46-65; column 7, lines 9-16).

Bezos also teaches a bank receiving at least part of the computerized [order] information (figure 2; column 2, lines 49-55), and merchant, user and bank in approximately simultaneous communication.

As per claims 7 and 10-12, Bezos teaches supplying customer verification information prior to obtaining order information (i.e. the user possesses a debit card) (column 2, lines 49-55) and using an alternative communications carrier to supply at least some account verification information (e.g. voice, paper ... etc.- the plurality of methods used to open bank accounts).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos, U.S. Patent No. 5,727,163 in view of Harris et al., 6,014,635.

As per claims 8 and 9, Bezos teaches using a debit card to obtain goods and services (column 2, lines 49-55). As debit cards are tied to a user account, user identification information had to be supplied to the bank by the user in order to create the account. Harris et al. specifically recite a user creating a financial account via a 1-800 number. Therefore, it would have been obvious to one of ordinary skill to allow users the convenience of creating an account over the phone.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Camp et al. teach electronic purchasing system comprising the exchange of purchase data between customer, bank and merchant
- Wagener et al. teach electronic transactions utilizing computer identification codes
- Foster teaches anonymous transactions
- Walker et al. disclose credit card companies using address verification to prevent fraud

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

(703) 746-5532 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5,
2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

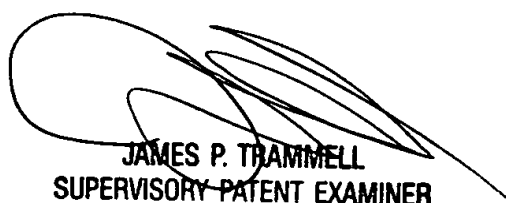
Application/Control Number: 09/669,303

Page 7

Art Unit: 3621

Calvin Loyd Hewitt II

July 10, 2003



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600